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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

_____	)	
Innovation Law Lab, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 3:19-cv-0807-RS
	)	
Alejandro Mayorkas, <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**JOINT STATUS REPORT AND REQUEST TO CONTINUE HOLDING ORDER TO  
SHOW CAUSE IN ABEYANCE**

The parties submit this status report, and respectfully request that the Court continue to temporarily hold in abeyance the Order to Show Cause issued by this Court on August 6, 2021.<sup>1</sup> See Dkt. 131. The Order to Show Cause previously directed Plaintiffs to respond as to why the instant case should not be dismissed as moot. The parties have jointly moved to temporarily hold the deadlines in this case in abeyance several times, and the Court has granted each of those requests. *See* Dkts. 133, 136, 138, 141, 143.

Granting a further abeyance will give the parties time to continue to meet and confer regarding outstanding issues presented by the case, including whether settlement is possible and how this case should proceed in light of the nationwide injunction in *Texas v. Biden*, No. 2:21-cv-0067, 2021 WL 3603341 (N.D. Tex. Aug 13, 2021). As to settlement, the parties have exchanged additional settlement offers. Most recently, Defendants provided Plaintiffs a third counter-offer, and Plaintiffs have raised a further issue that remains outstanding. As to the *Texas* injunction, the government is presently re-implementing MPP in compliance with the injunction. *See* Court-Ordered Reimplementation of MPP Policy Guidance, at <https://www.dhs.gov/publication/court-ordered-reimplementation-mpp-policy-guidance>. Moreover, since the parties' last filing, the Supreme Court granted the government's petition for certiorari and heard oral argument on April 26, 2022. *See Biden v. Texas*, No. 21-954. After argument, the Court ordered supplemental briefs, the last of which are due May 13, 2022. A decision may issue by the end of June. The resolution of *Biden v. Texas* may impact many of the issues pending in this case.

The parties continue to meet and confer, but more time is needed. An order continuing to hold the Order to Show Cause in abeyance is therefore warranted. Accordingly, the parties request that the Court continue the temporary abeyance of the briefing deadline for the Order to Show Cause. The parties propose to submit another joint statement three months from today, on Tuesday, August 16, 2022.

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<sup>1</sup> Undersigned counsel conferred with counsel for Plaintiffs, who join this motion.

1 Respectfully submitted,

2 BRIAN M. BOYNTON  
3 Acting Assistant Attorney General

4 WILLIAM C. PEACHEY  
5 Director

6 By: /s/ Erez Reuveni  
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15 Dated: May 16, 2022

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Dated: May 16, 2022

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 16, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of for the Northern District of California by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

By: /s/ Erez Reuveni  
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